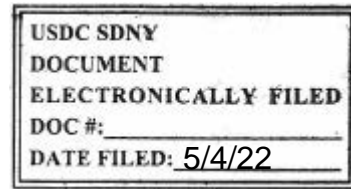


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



Ascencion Cazares, et al.,

Plaintiffs,

–v–

2898 Bagel & Bakery Corp., et al.,

Defendants.

18-cv-5953 (AJN) (VF)

ORDER

ALISON J. NATHAN, Circuit Judge, sitting by designation:

Before the Court is Judge Freeman’s Report & Recommendation (“R&R”) recommending the Court award \$2,560 in attorneys’ fees and costs, and award Plaintiffs Cazares, Delacruz, Romano, Angel, and Robles damages and pre-judgment interest in the following amounts:

- Cazares: \$162,015.74
- Delacruz: \$58,671.96
- Romano: \$224,330.68
- Angel: \$14,739.47
- Robles: \$10,805.48

Dkt. No. 82. Judge Freeman further recommends the Court award additional pre-judgment interest to Plaintiffs Cazares, Delacruz, Romano, Angel, and Robles at the rate of nine percent annum to be calculated by the Clerk of Court from March 4, 2019 to the date of entry of final judgment. Judge Freeman recommends no damages be awarded to Plaintiffs Lizardo, Luckner, Cedano, Reyes, Salas, Damas, and Ouedraogo.

When considering the findings and recommendations of a magistrate judge, the Court may “accept, reject, or modify [them], in whole or in part.” 28 U.S.C. § 636(b)(1). The Court must make a *de novo* determination of any portions of a magistrate’s report or findings to which a party raises an objection, and reviews only for “clear error on the face of the record” when there are no objections to the R&R. *Brennan v. Colvin*, No. 13-CV-6338 (AJN) (RLE), 2015 WL 1402204, at *1 (S.D.N.Y. Mar. 25, 2015); *see also Hicks v. Ercole*, No. 09-cv-2531 (AJN) (MHD), 2015 WL 1266800, at *1 (S.D.N.Y. Mar. 18, 2015); *Gomez v. Brown*, 655 F. Supp. 2d 332, 341 (S.D.N.Y. 2009). Clear error is found only when, upon review of the entire record, the Court is left with “the definite and firm conviction that a mistake has been committed.” *Laster v. Mancini*, No. 07-CV-8265 (DAB) (MHD), 2013 WL 5405468, at *2 (S.D.N.Y. Sept. 25, 2013) (quoting *United States v. Snow*, 462 F.3d 55, 72 (2d Cir. 2006)). Objections to Judge Freeman’s R&R were due by April 21, 2022. *See* Dkt. No. 82 at 63. As of the date of this Order, no objections have been filed. The Court thus reviews the R&R for clear error.

The Court finds no clear error except for two computational errors. *First*, in the pre-judgment interest on unpaid minimum wage damages table for Plaintiff Cazares, on page 37 of the R&R, the total should be \$1,219.54 as opposed to \$1,376.23. This total is consistent with Judge Freeman’s calculations within the table. Accordingly, the total of pre-judgment interest on page 38 should be \$21,984.79 instead of \$22,141.48. *Second*, in the lodestar table on page 60, the total for Naydenskiy should be \$280.00 as opposed to \$490.00, and the total for Paralegal(s) should be \$370.00 as opposed to \$455.00. These totals are consistent with Judge Freeman’s recommended hourly rates and hours billed. Accordingly, the total lodestar on page 60 should be \$1,865.00 instead of \$2,160.00. The Court otherwise adopts the R&R in all respects.

The Court thus awards Plaintiffs damages, fees, costs, and interest in the following amounts:

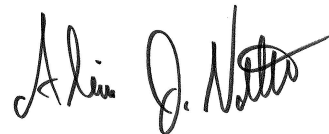
- Cazares: \$161,859.05
- Delacruz: \$58,671.96
- Romano: \$224,330.68
- Angel: \$14,739.47
- Robles: \$10,805.48
- Attorneys' fees and costs: \$2,265.00

The Court further awards additional prejudgment interest on unpaid wages as determined by the Clerk of Court, on the grounds described by Judge Freeman.

The Clerk of Court is respectfully directed to enter judgment and close this case.

SO ORDERED.

Dated: May 4, 2022
New York, New York



ALISON J. NATHAN
United States Circuit Judge
Sitting by Designation